

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE JUNE 24, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 604**

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**Introduced by Assembly Member Olsen**  
**(Coauthors: Assembly Members Baker, Calderon, Cristina Garcia,**  
**Linder, Melendez, Mark Stone, and Waldron)**

February 24, 2015

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An act to amend Sections 21113, 21960, 21967, and 21968 of, ~~and~~ to add Section 313.5 to, ~~and~~ to add Article 7 (commencing with Section 21290) to Chapter 1 of Division 11 of, *and to repeal Section 21295 of,* the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 604, as amended, Olsen. Electrically motorized ~~skateboards.~~  
*boards.*

Existing law regulates the operation of bicycles, motorized scooters, and electric personal assistive mobility devices, as defined. Existing law makes a violation of these provisions punishable as an infraction.

This bill would define the term “electrically motorized ~~skateboard.~~  
*board.*” The bill would prohibit the operation of an electrically motorized ~~skateboard~~ *board* upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. The bill would require the operator of an electrically motorized ~~skateboard who is under 18 years of age~~ *board* to wear a helmet while operating an electrically motorized ~~skateboard.~~ *board upon a highway, bikeway, or any other public bicycle*

*path, sidewalk, or trail.* The bill would require an operator to be at least ~~14~~ 16 years of age in order to operate an electrically motorized ~~skateboard.~~ *board. The bill would also require electrically motorized boards to be equipped with safety equipment, as specified, and restrict the operation speed of electrically motorized boards.* Because a violation of these provisions would be punishable as an infraction, this bill would impose a state-mandated local program.

*The bill would also require the Commissioner of the California Highway Patrol to submit a report, as specified, to the Legislature, on or before January 1, 2021, to assist in determining the effect that the use of electrically motorized boards has on traffic safety.*

Existing law authorizes transit development boards and public agencies, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, to adopt ordinances, rules, or regulations, respectively, to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, and roller skates on property under the control of, or any portion of property used by, the board, or on public property under the jurisdiction of the agency, respectively.

This bill would additionally authorize those boards and agencies to adopt ordinances, rules, and regulations, respectively, for the use of electrically motorized ~~skateboards.~~ *boards.*

Existing law authorizes local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling skateboards on highways, sidewalks, or roadways.

This bill would additionally authorize local authorities to adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling electrically motorized ~~skateboards~~ *boards* on highways, sidewalks, or roadways.

Existing law makes it a crime to operate a motorized skateboard on any sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or hiking or recreational trail.

This bill would provide that an electrically motorized ~~skateboard~~ *board* is not a motorized skateboard for those purposes.

*Existing law authorizes the Department of Transportation and local authorities to prohibit or restrict the use of bicycles, motorized bicycles, and motorized scooters upon freeways or expressways.*

*This bill would authorize the Department of Transportation and local authorities to also prohibit or restrict the use of electrically motorized boards upon freeways or expressways.*

*This bill would incorporate additional changes to Section 21113 of the Vehicle Code proposed by AB 1096 that would become operative only if this bill and AB 1096 are both chaptered, and this bill is chaptered last.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 313.5 is added to the Vehicle Code, to  
2 read:

3 313.5. ~~(a)~~ An “electrically motorized ~~skateboard~~” board” is  
4 any ~~four-wheeled~~ wheeled device that has a floorboard designed  
5 to be stood upon when riding that is not greater than 60 inches  
6 deep and 18 inches wide, is designed to transport only one person,  
7 and has an electric propulsion system averaging less than 1,000  
8 watts, the maximum speed of which, when powered solely by a  
9 propulsion system on a paved level surface, is no more than 20  
10 miles per hour. The device may be designed to also be powered  
11 by human propulsion.

12 ~~(b) An electrically motorized skateboard does not include an~~  
13 ~~electric personal assistive mobility device, as defined in Section~~  
14 ~~313, a motorecycle, as defined in Section 400, a motor-driven cycle,~~  
15 ~~as defined in Section 405, a motorized bicycle or moped, as defined~~  
16 ~~in Section 406, or a motorized scooter, as defined in Section 407.5.~~

17 SEC. 2. Section 21113 of the Vehicle Code is amended to read:

18 21113. (a) A person shall not drive a vehicle or animal, or  
19 stop, park, or leave standing a vehicle or animal, whether attended  
20 or unattended, upon the driveways, paths, parking facilities, or the  
21 grounds of any public school, state university, state college, unit  
22 of the state park system, county park, municipal airport, rapid  
23 transit district, transit development board, transit district, public

1 transportation agency, county transportation commission created  
2 pursuant to Section 130050 of the Public Utilities Code, joint  
3 powers agency operating or managing a commuter rail system, or  
4 any property under the direct control of the legislative body of a  
5 municipality, or a state, county, or hospital district institution or  
6 building, or an educational institution exempted, in whole or in  
7 part, from taxation, or any harbor improvement district or harbor  
8 district formed pursuant to Part 2 (commencing with Section 5800)  
9 or Part 3 (commencing with Section 6000) of Division 8 of the  
10 Harbors and Navigation Code, a district organized pursuant to Part  
11 3 (commencing with Section 27000) of Division 16 of the Streets  
12 and Highways Code, or state grounds served by the Department  
13 of the California Highway Patrol, or any property under the  
14 possession or control of a housing authority formed pursuant to  
15 Article 2 (commencing with Section 34240) of Chapter 1 of Part  
16 2 of Division 24 of the Health and Safety Code, except with the  
17 permission of, and upon and subject to any condition or regulation  
18 that may be imposed by, the legislative body of the municipality,  
19 or the governing board or officer of the public school, state  
20 university, state college, county park, municipal airport, rapid  
21 transit district, transit development board, transit district, public  
22 transportation agency, county transportation commission, joint  
23 powers agency operating or managing a commuter rail system, or  
24 state, county, or hospital district institution or building, or  
25 educational institution, or harbor district, or a district organized  
26 pursuant to Part 3 (commencing with Section 27000) of Division  
27 16 of the Streets and Highways Code, or housing authority, or the  
28 Director of Parks and Recreation regarding units of the state park  
29 system or the state agency with jurisdiction over the grounds served  
30 by the Department of the California Highway Patrol.

31 (b) A governing board, legislative body, or officer shall erect  
32 or place appropriate signs giving notice of any special conditions  
33 or regulations that are imposed under this section and the governing  
34 board, legislative body, or officer shall also prepare and keep  
35 available at the principal administrative office of the governing  
36 board, legislative body, or officer, for examination by all interested  
37 persons, a written statement of all those special conditions and  
38 regulations adopted pursuant to this section.

39 (c) When a governing board, legislative body, or officer permits  
40 public traffic upon the driveways, paths, parking facilities, or

1 grounds under their control then, except for those conditions  
2 imposed or regulations enacted by the governing board, legislative  
3 body, or officer applicable to the traffic, all the provisions of this  
4 code relating to traffic upon the highways shall be applicable to  
5 the traffic upon the driveways, paths, parking facilities, or grounds.

6 (d) A public transportation agency that imposes any condition  
7 or regulation upon a person who parks or leaves standing a vehicle,  
8 pursuant to subdivision (a), is authorized to do either of the  
9 following:

10 (1) Enforce that condition or regulation in the manner provided  
11 in Article 3 (commencing with Section 40200) of Chapter 1 of  
12 Division 17 of this code. The public transportation agency shall  
13 be considered the issuing agency for that purpose.

14 (2) Designate regularly employed and salaried employees, who  
15 are engaged in directing traffic or enforcing parking laws and  
16 regulations, for the purpose of removing any vehicle in the same  
17 manner as a city, county, or jurisdiction of a state agency pursuant  
18 to Chapter 10 (commencing with Section 22650) of Division 11  
19 of this code.

20 (e) With respect to the permitted use of vehicles or animals on  
21 property under the direct control of the legislative body of a  
22 municipality, no change in the use of vehicles or animals on the  
23 property, that had been permitted on January 1, 1976, shall be  
24 effective unless and until the legislative body, at a meeting open  
25 to the general public, determines that the use of vehicles or animals  
26 on the property should be prohibited or regulated.

27 (f) A transit development board may adopt ordinances, rules,  
28 or regulations to restrict, or specify the conditions for, the use of  
29 bicycles, motorized bicycles, skateboards, electrically motorized  
30 ~~skateboards, boards,~~ and roller skates on property under the control  
31 of, or any portion of property used by, the board.

32 (g) A public agency, including, but not limited to, the Regents  
33 of the University of California and the Trustees of the California  
34 State University, may adopt rules or regulations to restrict, or  
35 specify the conditions for, the use of bicycles, motorized bicycles,  
36 skateboards, electrically motorized ~~skateboards, boards,~~ and roller  
37 skates on public property under the jurisdiction of that agency.

38 (h) "Housing authority," for the purposes of this section, means  
39 a housing authority located within a county with a population of

1 over ~~six million~~ 6,000,000 people, and any other housing authority  
2 that complies with the requirements of this section.

3 (i) “Public transportation agency,” for purposes of this section,  
4 means a public agency that provides public transportation as  
5 defined in paragraph (1) of subdivision (f) of Section 1 of Article  
6 XIX A of the California Constitution.

7 *SEC. 2.5. Section 21113 of the Vehicle Code is amended to*  
8 *read:*

9 21113. (a) A person shall not drive a vehicle or animal, or  
10 stop, park, or leave standing a vehicle or animal, whether attended  
11 or unattended, upon the driveways, paths, parking facilities, or the  
12 grounds of any public school, state university, state college, unit  
13 of the state park system, county park, municipal airport, rapid  
14 transit district, transit development board, transit district, public  
15 transportation agency, county transportation commission created  
16 pursuant to Section 130050 of the Public Utilities Code, joint  
17 powers agency operating or managing a commuter rail system, or  
18 any property under the direct control of the legislative body of a  
19 municipality, or a state, county, or hospital district institution or  
20 building, or an educational institution exempted, in whole or in  
21 part, from taxation, or any harbor improvement district or harbor  
22 district formed pursuant to Part 2 (commencing with Section 5800)  
23 or Part 3 (commencing with Section 6000) of Division 8 of the  
24 Harbors and Navigation Code, a district organized pursuant to Part  
25 3 (commencing with Section 27000) of Division 16 of the Streets  
26 and Highways Code, or state grounds served by the Department  
27 of the California Highway Patrol, or any property under the  
28 possession or control of a housing authority formed pursuant to  
29 Article 2 (commencing with Section 34240) of Chapter 1 of Part  
30 2 of Division 24 of the Health and Safety Code, except with the  
31 permission of, and upon and subject to any condition or regulation  
32 that may be imposed by, the legislative body of the municipality,  
33 or the governing board or officer of the public school, state  
34 university, state college, county park, municipal airport, rapid  
35 transit district, transit development board, transit district, public  
36 transportation agency, county transportation commission, joint  
37 powers agency operating or managing a commuter rail system, or  
38 state, county, or hospital district institution or building, or  
39 educational institution, or harbor district, or a district organized  
40 pursuant to Part 3 (commencing with Section 27000) of Division

1 16 of the Streets and Highways Code, or housing authority, or the  
2 Director of Parks and Recreation regarding units of the state park  
3 system or the state agency with jurisdiction over the grounds served  
4 by the Department of the California Highway Patrol.

5 (b) A governing board, legislative body, or officer shall erect  
6 or place appropriate signs giving notice of any special conditions  
7 or regulations that are imposed under this section and the governing  
8 board, legislative body, or officer shall also prepare and keep  
9 available at the principal administrative office of the governing  
10 board, legislative body, or officer, for examination by all interested  
11 persons, a written statement of all those special conditions and  
12 regulations adopted pursuant to this section.

13 (c) When a governing board, legislative body, or officer permits  
14 public traffic upon the driveways, paths, parking facilities, or  
15 grounds under their control then, except for those conditions  
16 imposed or regulations enacted by the governing board, legislative  
17 body, or officer applicable to the traffic, all the provisions of this  
18 code relating to traffic upon the highways shall be applicable to  
19 the traffic upon the driveways, paths, parking facilities, or grounds.

20 (d) A public transportation agency that imposes any condition  
21 or regulation upon a person who parks or leaves standing a vehicle,  
22 pursuant to subdivision (a), is authorized to do either of the  
23 following:

24 (1) Enforce that condition or regulation in the manner provided  
25 in Article 3 (commencing with Section 40200) of Chapter 1 of  
26 Division 17 of this code. The public transportation agency shall  
27 be considered the issuing agency for that purpose.

28 (2) Designate regularly employed and salaried employees, who  
29 are engaged in directing traffic or enforcing parking laws and  
30 regulations, for the purpose of removing any vehicle in the same  
31 manner as a city, county, or jurisdiction of a state agency pursuant  
32 to Chapter 10 (commencing with Section 22650) of Division 11  
33 of this code.

34 (e) With respect to the permitted use of vehicles or animals on  
35 property under the direct control of the legislative body of a  
36 municipality, no change in the use of vehicles or animals on the  
37 property, that had been permitted on January 1, 1976, shall be  
38 effective unless and until the legislative body, at a meeting open  
39 to the general public, determines that the use of vehicles or animals  
40 on the property should be prohibited or regulated.

(f) A transit development board may adopt ordinances, rules, or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, *electric bicycles*, skateboards, *electrically motorized boards*, and roller skates on property under the control of, or any portion of property used by, the board.

(g) A public agency, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, may adopt rules or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, *electric bicycles*, skateboards, *electrically motorized boards*, and roller skates on public property under the jurisdiction of that agency.

(h) “Housing authority,” for the purposes of this section, means a housing authority located within a county with a population of over ~~six million~~ 6,000,000 people, and any other housing authority that complies with the requirements of this section.

(i) “Public transportation agency,” for purposes of this section, means a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIX A of the California Constitution.

~~SEC. 3. Article 7 (commencing with Section 21290) is added to Chapter 1 of Division 11 of the Vehicle Code, to read:~~

~~Article 7. Operation of Electrically Motorized Skateboards~~

~~21290. For purposes of this article, an “electrically motorized skateboard” is defined in Section 313.5.~~

~~21292. An electrically motorized skateboard shall be operated only by a person who is 14 years of age or older.~~

~~21294. An electrically motorized skateboard may be operated by a person under 18 years of age only if the operator is wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212.~~

~~21296. (a) It is unlawful for a person to operate an electrically motorized skateboard upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug.~~

~~(b) A person arrested for a violation of this section may request to have a chemical test made of the person’s blood or breath for the purpose of determining the alcoholic or drug content of that~~

1 ~~person's blood pursuant to subdivision (d) of Section 23612, and,~~  
2 ~~if so requested, the arresting officer shall have the test performed.~~

3 ~~(e) A conviction for a violation of this section shall be punished~~  
4 ~~by a fine of not more than two hundred fifty dollars (\$250).~~

5 SEC. 3. Article 7 (commencing with Section 21290) is added  
6 to Chapter 1 of Division 11 of the Vehicle Code, to read:

7  
8 Article 7. Operation of Electrically Motorized Boards  
9

10 21290. (a) For purposes of this article, "bikeway" is defined  
11 in Section 890.4 of the Streets and Highways Code.

12 (b) For purposes of this article, an "electrically motorized  
13 board" is defined in Section 313.5.

14 21291. An electrically motorized board shall be operated only  
15 by a person who is 16 years of age or older.

16 21292. A person shall not operate an electrically motorized  
17 board upon a highway, bikeway, or any other public bicycle path,  
18 sidewalk, or trail, unless that person is wearing a properly fitted  
19 and fastened bicycle helmet that meets the standards described in  
20 Section 21212.

21 21293. (a) Every electrically motorized board operated upon  
22 a highway during darkness shall be equipped with all of the  
23 following:

24 (1) Except as provided in subdivision (b), a lamp emitting a  
25 white light that, while the electrically motorized board is in motion,  
26 illuminates the highway in front of the operator and is visible from  
27 a distance of 300 feet in front of the electrically motorized board.

28 (2) Except as provided in subdivision (c), a red reflector on the  
29 rear that is visible from a distance of 500 feet to the rear when  
30 directly in front of lawful upper beams of headlamps on a motor  
31 vehicle.

32 (3) Except as provided in subdivision (d), a white or yellow  
33 reflector on each side that is visible from a distance of 200 feet  
34 from the sides of the electrically motorized board.

35 (b) A lamp or lamp combination, emitting a white light, attached  
36 to the operator and visible from a distance of 300 feet in front of  
37 the electrically motorized board, may be used in lieu of the lamp  
38 required by paragraph (1) of subdivision (a).

39 (c) A red reflector, or reflectorizing material meeting the  
40 requirements of Section 25500, attached to the operator and visible

1 from a distance of 500 feet to the rear when directly in front of  
2 lawful upper beams of headlamps on a motor vehicle, may be used  
3 in lieu of the reflector required by paragraph (2) of subdivision  
4 (a).

5 (d) A white or yellow reflector, or reflectorizing material  
6 meeting the requirements of Section 25500, attached to the  
7 operator and visible from a distance of 200 feet from the sides of  
8 the electrically motorized board, may be used in lieu of the reflector  
9 required by paragraph (3) of subdivision (a).

10 21294. (a) Electrically motorized boards shall only operate  
11 upon a highway designated with a speed limit of 35 miles per hour  
12 or less, unless the electrically motorized board is operated entirely  
13 within a designated Class II or Class IV bikeway.

14 (b) A person shall not operate an electrically motorized board  
15 upon a highway, bikeway, or any other public bicycle path,  
16 sidewalk, or trail, at a speed in excess of 15 miles per hour.

17 (c) Notwithstanding subdivision (b), a person shall not operate  
18 an electrically motorized board at a speed greater than is  
19 reasonable or prudent having due regard for weather, visibility,  
20 pedestrian and vehicular traffic, and the surface and width of the  
21 highway, bikeway, public bicycle path, sidewalk, or trail, and in  
22 no event at a speed that endangers the safety of any person or  
23 property.

24 21295. The Commissioner of the California Highway Patrol  
25 shall submit a report to the Legislature, on or before January 1,  
26 2021, to assist in determining the effect that the use of electrically  
27 motorized boards has on traffic safety. The report shall include  
28 detailed statewide traffic collision data involving electrically  
29 motorized boards, including property damage only, injury, and  
30 fatal traffic collisions. The report shall be submitted in compliance  
31 with Section 9795 of the Government Code. Pursuant to Section  
32 10231.5 of the Government Code, this section is repealed on  
33 January 1, 2025.

34 21296. (a) It is unlawful for a person to operate an electrically  
35 motorized board upon a highway while under the influence of an  
36 alcoholic beverage or any drug, or under the combined influence  
37 of an alcoholic beverage and any drug.

38 (b) A person arrested for a violation of this section may request  
39 to have a chemical test made of his or her blood or breath for the  
40 purpose of determining the alcoholic or drug content of that

1 *person's blood pursuant to subdivision (d) of Section 23612, and,*  
2 *if so requested, the arresting officer shall have the test performed.*

3 *(c) A conviction for a violation of this section shall be punished*  
4 *by a fine of not more than two hundred fifty dollars (\$250).*

5 *SEC. 4. Section 21960 of the Vehicle Code is amended to read:*

6 21960. (a) The Department of Transportation and local  
7 authorities, by order, ordinance, or resolution, with respect to  
8 freeways, expressways, or designated portions thereof under their  
9 respective jurisdictions, to which vehicle access is completely or  
10 partially controlled, may prohibit or restrict the use of the freeways,  
11 expressways, or any portion thereof by pedestrians, bicycles or  
12 other nonmotorized traffic or by any person operating a  
13 motor-driven cycle, motorized bicycle,~~or motorized scooter.~~  
14 ~~scooter, or electrically motorized board.~~ A prohibition or restriction  
15 pertaining to bicycles, motor-driven cycles,~~or motorized scooters~~  
16 ~~scooters, or electrically motorized boards~~ shall be deemed to  
17 include motorized bicycles; ~~and no person may bicycles.~~ A person  
18 shall not operate a motorized bicycle wherever that prohibition or  
19 restriction is in force. Notwithstanding any provisions of any order,  
20 ordinance, or resolution to the contrary, the driver or passengers  
21 of a disabled vehicle stopped on a freeway or expressway may  
22 walk to the nearest exit, in either direction, on that side of the  
23 freeway or expressway upon which the vehicle is disabled, from  
24 which telephone or motor vehicle repair services are available.

25 (b) The prohibitory regulation authorized by subdivision (a)  
26 shall be effective when appropriate signs giving notice thereof are  
27 erected upon any freeway or expressway and the approaches  
28 thereto. If any portion of a county freeway or expressway is  
29 contained within the limits of a city within the county, the county  
30 may erect signs on that portion as required under this subdivision  
31 if the ordinance has been approved by the city pursuant to  
32 subdivision (b) of Section 1730 of the Streets and Highways Code.

33 (c) No ordinance or resolution of local authorities shall apply  
34 to any state highway until the proposed ordinance or resolution  
35 has been presented to, and approved in writing by, the Department  
36 of Transportation.

37 (d) An ordinance or resolution adopted under this section on or  
38 after January 1, 2005, to prohibit pedestrian access to a county  
39 freeway or expressway shall not be effective unless it is supported  
40 by a finding by the local authority that the freeway or expressway

1 does not have pedestrian facilities and pedestrian use would pose  
2 a safety risk to the pedestrian.

3 ~~SEC. 4.~~

4 SEC. 5. Section 21967 of the Vehicle Code is amended to read:  
5 21967. Except as provided in Section 21968, a local authority  
6 may adopt rules and regulations by ordinance or resolution  
7 prohibiting or restricting persons from riding or propelling  
8 skateboards, or electrically motorized ~~skateboards~~, *boards*, on  
9 highways, sidewalks, or roadways.

10 ~~SEC. 5.~~

11 SEC. 6. Section 21968 of the Vehicle Code is amended to read:  
12 21968. (a) A motorized skateboard shall not be propelled on  
13 any sidewalk, roadway, or any other part of a highway or on any  
14 bikeway, bicycle path or trail, equestrian trail, or hiking or  
15 recreational trail.

16 (b) For purposes of this section, an electrically motorized  
17 ~~skateboard~~, *board*, as defined in Section 313.5, is not a motorized  
18 skateboard.

19 SEC. 7. *Section 2.5 of this bill incorporates amendments to*  
20 *Section 21113 of the Vehicle Code proposed by both this bill and*  
21 *Assembly Bill 1096. It shall only become operative if (1) both bills*  
22 *are enacted and become effective on or before January 1, 2016,*  
23 *(2) each bill amends Section 21113 of the Vehicle Code, and (3)*  
24 *this bill is enacted after Assembly Bill 1096, in which case Section*  
25 *2 of this bill shall not become operative.*

26 ~~SEC. 6.~~

27 SEC. 8. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.